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Letters of William Fitzhugh.

(CONTINUED.)

June 5th, 1682.

Mr. Jno. Cooper,

Sr: In my last by Capt Norrington I had only leisure to acquaint you that I had inclosed Bills Loading for 18 hh^{ds} shipped in him and consigned to you; one of which upon my return home I find left behind but three omitted in the bills of Loading, which I hope you have since found out in the Ship notwithstanding that omission in the bills Loading, for I have sufficient Evidence to prove that those hh^{ds} of Tob^o so marked and number'd as are omitted in the bill Loading were by Capt Norrington's men taken away from the respective houses where they lay upon view of my Notes given for the same by Evidence of two Sorts. First, I have Evidence that at such houses so many hh^{ds} of Tob^o of such a Mark and Number were received for me. Secondly, The respective Housekeeper Deposits that Capt Norrington's Seamen carry'd away that very Tob^o so marked and numbered by virtue of my Notes given for the Same. The Copyes of which Evidence I hope to get ready to send here inclosed that you may inform Capt. Norrington thereof which

may give him opportunity to enquire the truth thereof and get me Righted without Charge to himself which without his care there may chance to fall upon himself here; the three hh^{ds} left behind were number'd 7, 11 & 14, that of 14 was really left behind but those of 11 and 7 carry^d away tho' not put into the bills Loading. I have received your four letters dated 22nd August; 14th Sept^r; 21st Oct^r and 17th Dec^r all of which are now by me; in the first you give me an account of the receipt and mean Market for my Tob^o which I must submit to; its in vain for me to repine at the common calamity. In that of the 14th Sept^r p. Capt Norrington, I received inclos'd my Accompt Current, Accompt of Sales and invoice of goods brought in by him which goods were much abused on board, as you'll perceive by my receipt given upon the back of the Bill of Loading; what Right I may have therein I am not Merchant enough to Know but think it a hard measure to pay freight for goods, to have them carelessly damnify'd, w^{ch} without farther mentioning, I refer wholly to you. S^r The Tob^o I sent you I can say little in commendation of; for my skill in the commodity is but small but four hh^{ds} No. 1, 2, 3, 4 were sweet scented and of my own crop and well handled in the opinion of the knowingest Planters; the Residue were Orinoko and the choicest my Receiver could pick out of 100 hh^{ds} he received for me; how it will prove there with you, I know not, but will not despair and hope the market may rise upon the news of the great destruction of Tob^o by Cutters and Pluckers* who at the writing hereof have not yet desisted; the particulars I presume you have fully heard, therefore will not now trouble you with; and for the farther lessening the quantity, the great and frequent rains have largely contributed especially to those living in low Grounds.

* The price of tobacco having fallen to a very low point in the spring of 1682, and all hope of a cessation of planting by the command of the authorities of Virginia and Maryland having been dismissed, a large number of the planters of Gloucester, New Kent and Middlesex counties determined to reduce the quantity of the crop in the ground by forcible means. They, therefore, proceeded to cut up the plants in the beds, running in great disorder from one plantation to another with this purpose in view. Robert Beverley was supposed to have encouraged the movement.

In your Accompt current and Letters in Oct^r and Dec^r £ 15, 18, 00^t which I hope before the receipt of this you have reimbursed yourself, and withall I find in my Acco^t of sales myself charged D^r with six and threepence for 25 lb^s of damnify'd Tob^o which I presume to be a mistake and I believe I ought to have credit given me for that which if so lighten my acco^t 12, 6^d, therefore desire you to inspect that Acco^t and if it be an Error to rectify it. I have here inclosed sent you Bills of Exchange, one drawn by Maj^r Thos. Youle upon yourself for £5, one other of M^r Chamberlain's for £ 6, 10, another upon M^r Burrage of Lyme, which I assure myself will be all paid, and another upon M^{rs} Bland for £20 which I doubt but upon sight she will comply with; which in the whole amounts to £ 38, 10, 08. S^r I was intended to have sent you ten thousand Pipe Staves and four hundred feet of two inch black walnut Plank but could not get freight for them; my remoteness from shipping and my long absence from home hindered me from taking advantageous opportunitys, therein, therefore if you find it may turn to my profit, please to signifie the same to me by the first opportunity and if you can with conveniency, contrive me freight for the same; also I would desire you to enquire the price of Ship^t trunnells p. thousand and inform me thereof and if you find that trunnells of two foot, a foot and a half and a foot in length, will clear one with another £25 or £30 p. thousand, take me freight certain for 40, 50, 60 or 70 thousand for the lowness of Tob^o has utterly discouraged me, and if the market this year rises not, I have small encouragement to run so great a Risque to have nothing considerable for my Tob^o, nay less by one half than I can have at my own Door without either Trouble or hazard. I desire you to speak to Capt Norrington or any of your friends being master of a ship bound for Potomack River to bring me two or three couple of Rabbits. S^r My wants still continue the same for a Bricklayer or Carpenter and should be glad to have either of them consign'd to me tho. some of the goods were let alone, I am

Sir Your Wff.

To Mr. John Cooper,
Merchant in London.

February 11th 1682-3.

Mr. Jackson,

As to your Proposal about the bringing in Negroes next fall, I have this to offer and you may communicate the same to your owners and Employers, that I will deal with them for so many as shall amount to 50,000 lbs of Tob^o and cask which will be about 20 hh^{ds} under the condition and at these ages and prices following, to say, to give 3,000 lbs Tob^o for every Negro boy or girl, that shall be between the age of seven and eleven years old and to give 4,000 lbs Tob^o for every youth or girl that shall be between the age of 11 to 15 and to give 5,000 lbs Tob^o for every young man or woman that shall be above 15 years of age and not exceed 24, the said Negroes to be delivered at my landing some time in Sept^r next, and I to have notice whether they will so agree some time in August next. And I do assure you and so you may acquaint them, that upon your delivery and my receipt of the Negroes according to the ages above mentioned and that they be sound and healthfull at their Delivery, I will give such sufficient Caution for payment of the Tob^o accordingly by the 20th Dec^r then next following as shall be approved of. The ages of the Negroes to be judged and determined by two or three such honest and reasonable men here as yourself shall nominate and appoint. The whole sum of the Tob^o to be paid in the compass of twenty miles, perhaps not so remote, I am

Your Wff.

To Mr. Jackson of Piscataway
In New England These.

feby 5th 1682-3.

Mrs. Elea^r Cutt and M^r Geo. Jeffries,

At the instance of Mr. Jackson, though unacquainted, this comes to acquaint you that I apprehend you are mistaken in carrying on any trade in our Parts, by your sending your goods to purchase her own Loading which puts a necessity upon your Dealer to sell for the speed of his market great deal cheaper than you need if you could afford a stock before hand, to lie in some factor's hands in this Country and who would then take the

opportunity of his Market and could reduce the whole loading to lie in some certain places to be immediately taken in upon the Arrival of your vessel, which those that come to purchase their Loading are forced to go from place to place for, so that the profit of the voyage if you purchase very cheap (which is uncertain) is eaten up by the length of Stay necessarily occasioned by going from place to Place to fetch the several parcels of wheat, besides the uncertainty of the Market; those things would be taken away by settling a constant factoridge here and whatever commodity you had a mind to, or gave advice of, might be reasonably and certainly every year purchased and the vessel that comes for it quickly dispatched so that the first Stock of money being dead about five or six months gives these advantages a certain and sure market, an easie change and a quick Dispatch, which is the life and profit of every Trade. What I have said is not to Court your Employ but to satisfy M^r Jackson.

Your Wff.

Jany 1st 1682-3.

Majr. Robt. Beverly,

S^r: I suppose Mr. Robinson before the receipt of this has been so kind as to acquaint you that your tryal will be easie,*

* "Beverley had incurred the displeasure of the Governor and Council by refusing to deliver up to them copies of the Legislative Journals, without permission of the House. Beverley had rendered important services in suppressing Bacon's Rebellion, and had won the special favor of Sir William Berkeley; but as circumstances change, men change with them, and now by a steady adherence to his duty to the assembly, he drew down upon his head unrelenting persecution. In the month of May, 1682, he was committed a close prisoner on board the ship Duke of York, lying in the Rappahannock. Ralph Wormley, Matthew Kemp and Christopher Wormley were directed to seize the Records in Beverley's possession, and to break open doors if necessary. He complained in a note, addressed to the captain, and claimed the rights of a free-born Englishman. He was transferred from the Duke of York to Captain Jeffries, commander of the Concord, and a guard set over him. He was next sent on board of Colonel Custis's sloop, to be taken to Northampton. Escaping from the custody of the sheriff of York, the prisoner was retaken at his own house, in Middlesex, and sent to

which will at present save me some labour, yet to correspond with yours and my word I shall give you some small touches in relation to your tryal which will be very suddenly. Multiplicity of business at present a little disorders me. First for Imprisonment see Cap. 26 Magna Charta. I refer you for the words of the Statute itself. I shall take notice of Conclusions drawn from thence. And first though the offence whereof he was accused was such as he was not balable by Law, yet the Law did so highly hate the long Imprisonment of any man though accused of an odious and henious Crime that it gave him this Writ of Inquisition for his relief. Secondly, There was a mean whereby the Common Law, before the Indictments to protect the innocent party against false Accusations and to deliver him out of Prison. And a farther Benefit was by this Law in favour of Prisoners that he should have it without fee or without Denyal or Delay; for more of this see the Minor Cap. 5th Sect. 2. But this Writ was taken away by the 28 Edw. 3, but within twelve years after, it was enacted, that all Statutes made against Magna Charta as this 28 Edw. 3^d should be void so that is again revived. Nay, the Justices have been so far from allowance of any one being detained in Prison without due tryal, that it was resolved in the Case of the Abbot of St. Albans by the whole Court that where the King had granted to the said Abbot to have a Goal, and divers persons were committed to that Goal for felony and because the Abbot would not be at cost to make Deliverance, he detained them in Prison long time without making lawful Deliverance, that the Abbot had for that Cause forfeited his franchises &c. See Stat. Glo. Chapg. H. 8, 4, 18, 20, Edw. 4, 6 Brooke title forfeiture and Cooke upon Magna Charta fo. 43

Northampton, on the Eastern Shore. Some months after he applied for a writ of *habeas corpus*, which was refused; and in a short time, being again found at large, he was remanded to Northampton. In January, 1683, new charges were brought against him: First, that he had broken open letters addressed to the secretary's office; Secondly, that he had made up the Journal, and inserted his Majesty's letters therein, notwithstanding it had first been presented at the time of the prorogation; Thirdly, that in 1682, he had refused copies of the Journal to the Governor and Council, saying "he might not do it without leave of his masters." *Campbell's History of Virginia*, pp. 345, 346.

and many such like cases. And it is provided by the Statute 5 H. 4 Cap. 10 and Cookes Report Lib. 9 fo. 119 that none be imprisoned by any Justice of Peace but in the common Goal to the end that they may have tryal at the next Goal Delivery. And this Statute extendeth to all other Judges and Justices for two reasons, First This Act is but declaratory of the Common Law. Secondly, *Ubi est lex specialis et ratio est generalis generaliter accipiendum est.* By the Statute Glo. Cap. 9, you may see what expédition ought to be used for avoiding long Imprisonment (*viz*) till the next coming of the Justices and consequently till the next Court for tryal; From whence it is to be observed that the Law of England is *lex misericordiae* for three Causes. First that the Innocent shall not be worn away and wasted by long Imprisonment but as hereby and by *Magna Charta* Spedily come to his tryal.

Secondly That Prisoners for criminal causes where they are brought to their tryal be humanely dealt with all for *Serveros quidern facit Institae in humano non facit.* Thirdly The Judge ought to exhort him to answer without fear and that Justice shall be duely administered to him *Magna Charta* Cap. 29. No man shall be taken or imprisoned or dispossess'd of his Lands, livelihood or liberty unless it be by lawfull judgment of his Equals or by due course and Process of Law, and not Petition or Suggestion, nay though it were to the King and Council; see this notably explained by these Acts 5 Edw. 3, 9, 25 Edw. 3, 4, 37 Edw. 3, 8, 38, Edw 3, 9, 42, Edw 3, 3, 17, Rich 2, 6 Cookes reports Lib 10 fo. 71. All these conclusions upon a commitment do follow: First that he or they that do commit them have lawfull authority; That his Warrant or *Mitemus* be lawfull and that must be in writing under his hand and Seal. Thirdly, The Causes must be continued in the Warrant as for Treason felony &c. Fourthly the Warrant or *Mittimus* containing a lawfull cause ought to have a lawfull conclusion and him safely to keep untill he be delivered by Law &c and not untill the party committing do farther order. This and the former conclusions do evidently appear by the Writs of Habeas Corpus. By which Writs it Manifestly appears that no man ought to be committed but for some certain cause and those words in the Habeas Corpus *ad subjiciendum et recipiendum* prove that Cause must be

shewed for otherwise how can the Court state Orders thereon according to Law. And this agrees with Holy Scripture Acts Apostles Cap. 25, v all. It seems to me unreasonable to send away one bound into Prison and not to signifie the Cause thereof. So also the Petition of Right 3 Car. Imprisonment doth not only extend to false Imprisonment or unjust but it is both false and unjust, if he be detained longer than he ought although at first lawfully imprisoned; Cooke Magna Charta fo. 53. Good Judges and Justices abhor such courses as the Centurian took against S^t Paul, Acts Apostles Cap. 22, V 24, 27. He commandeth Paul to be bound and then asked who he was and what he had done. For Remedy for Injustice done in this nature see Cooke Magna Charta Cap. 29 fo. 55 and 56 and there you will also find that Justices ought to have three qualities, *Libera quia nihil est iniquius, Vanali justitia; Plena quia justitia non debet claudicare, et celeris quia dilatis est quaedam negatis.* And then it is both justice and Right.

Again in the Statute de frangedibus Prisonem, there you may see what a lawfull mittimus is. First it must be in writing in the name and under the hand and seal of him that makes the same expressing his Office Place and Authority, by force whereof he makes mittimus and is to be directed to the Goaler or Keeper of the Prison. Secondly in it must be contained the cause as it expressly appeareth by this Act with such convenient certainty as it may appear judicially, that the Offence tale indicium requisit.

And this is proved both by Reason and Authority. By reason first for that it is in case of felony quae indeniter te num^r Supplicium and therefore ought to have convenient certainty as aforesaid. Secondly for that a voluntary escape is felony in the Goaler and if there be certainly express'd. Thirdly If the Mittimus should be good Generally pro flonia then as the * * * is Ignorantia Judicis foret calamitas Innocentis and therefore in Reason in a case of so high a nature concerning the life of man, the convenient certainty ought to be shewed. By Authority for that, the Indictment must rehearse the effect of the Mittimus.

Thirdly and Lastly see the resolutions of all the Judges of England in their 21 and 22 Answers to the objections of Archbishop Bancroft in behalf of all the clergy of England, Tertio

Jacobi. They answer that upon complaint they ought to send the Kings Writ for the Body and the cause and if in the return no cause or no sufficient cause appear, that then they ought to set him at liberty &c. This to the 21. To the 22 they answer and resolve that upon complaint made unto them if any one imprisoned without just Cause, we are to send to have the body and to be certified of the cause and if they will not certify us of the particular cause but generally without expressing any particular cause whereby it may appear to us his imprisonment to be just, then we do and ought to deliver him. Hereupon it appeareth that the common Warrant or Mittimus to answer to such things as shall be objected against him is utterly void and against Law. Now as the Mittimus must contain a certain cause, so the conclusive must be according to Law (viz). The Prison safely to keep untill he be delivered by due order of Law and not untill he that made it give order or the like.

S^r This is what at present occurs and what is to be taken notice of and what I dare and do avow to be good Authority. If you have farther occasion, please to signifie and shall be ready to serve you therein. I question not your care about our Tob^o in your County and Gloucester; to urge you Diligence would seem to make doubt, therefore as I said before proceed for us as for yourself. My service to your good wife.

Your Wff.

Esqr. Wormley and all friends there.
To Maj Robt. Beverly.

Janry 8, 1682-3.

May it please your Excellency.

S^r: That great countenance you were pleased to favour me with at my last being in Town more especially at Green Spring,* gives occasion to this to assure your Lordship that in my private capacity as I now stand in this Country (having had the happiness never to be dignified by any empty title) and quietness from all profitable employments therein, I have and stren-

* The residence of the Colonial Governors near Jamestown.

uously endeavour to assure the People of our Parts of your Lordships great and weighty services done for them in England particularly about your elaborate pains in answering such weighty objections from such powerfull Oppressers in that most necessary concern of Town which you were pleased to communicate to me, as also your just resolution for regular Proceedings by the known Laws of England which though sett off with such poor abilities as I am master of has given our people here so great and general satisfaction, that they not only rejoice that your Lordship is happily arrived to the place of your Government but always add their prayers for your continuance therein, still with this respect that the advantage as well as their duties might fully answer your expectation. I must beg your Honour's Pardon if I have not given a full relation in your own more immediate concern of the Quitrents, not want of will but a dullness in my apprehension, not thoroughly understanding your Lordship is the occasion thereof, esteeming better be silent than to give imperfect or but half relations. If your Lordship thinks I may be serviceable to you therein please to give me but the least intimation and the utmost of my endeavours shall not be wanting. This Gentleman the bearer hereof, comes purposely to solicit your Excellency for the high sheriffs place of our county. I dare not presume to move in his behalf yet I can give your Lordship this assurance that last year he had the promise of it and no one can pretend a better Right if a right might be admitted, for his Predecessor died in the Place and office, in the late unhappy troubles; his enjoyment of it gave him no profit but abundance of trouble and the unhappy inconsequency of contracting debts throughout the County out of his own Estate which his poor Orphans now want. And his motion for the place is as much in behalf of the poor children (He being their Guardian) as for himself, by which means he would have the conveniency of getting in without charge or trouble those scattering debts to their advantage. Long may our Lordship quietly and happily govern us, under his most sacred Majesty is the prayer of

Your Lordship &c.

Wff.

To his Excellency Thomas

Lord Culpepper p. D^r Wm. Bankes.

January 8th, 1682-3.

Hon'rd Sir:

This Gentleman my neighbor Doct^r Bancks is come purposely about the Sheriffs' place. I assured him he need neither doubt nor question your assistance and therefore I advised him to apply himself to you. If you have any time to spare with him you will find him an ingenuous Gentleman and a boon facetious companion and one that will gratefully acknowledge your favours. S^t I hope to hear from you by the bearer, in which I am sure to meet with a full satisfaction of all transactions there. My most humble Service to your honoured Father and a kind Remembrance of all friends else; this is all I can think of at present farther than to assure you

I am your Wff.

To the Honorable Ralph Wormley Esqr.*

* Ralph Wormeley, of "Rosegill," Middlesex county, Virginia, born 1650, died December 5, 1703 (*Parish Register*), was a son of Ralph Wormeley, of Rosegill (member of the House of Burgesses and Council), and his wife Agatha Eltonhead (who married, secondly Sir Henry Chicheley, Governor of Virginia). He matriculated July 14, 1665, at Oriel College, Oxford; was a member of the House of Burgesses, 1674, (*Middlesex Records*); appointed member of the Council, 1677, (*Sainsbury Abstracts*); appointed Secretary of State, 1693, (*Hotten's Emigrants*); was Collector and Naval Officer of Rappahannock river, 1692; one of the first trustees of William and Mary College, 1693, and, in the same year, President of the Council (*Journal*). He inherited and acquired a very large estate, and had so much influence, that Hartwell, Blair and Chilton, in "*The Present State of Virginia*," 1699, speak of the struggle of the trustees of the College (about certain lands) with "the greatest man in Virginia, Mr. Secretary Wormeley." He married first Catherine, daughter and heiress of Sir Thomas Lunsford, Bart. She is styled in the *Parish Register* in 1685, "The Hon. Lady Catherine Wormeley," and though not so stated in the accounts of the family, appears to have been the widow of Peter Jenings, Attorney-General of Virginia; for Catherine widow of Col. Peter Jenings sues in the General Court, and in 1674, Wormeley sues as marrying the widow—Christian name not given—of the same person. By her, Wormeley had only a daughter, Elizabeth, who married in 1703, John Lomax, of Essex county (De Bow's Review, xxvi, 129). He married secondly, Feb. 1687, Madam Elizabeth Armistead, daughter of Col.

January 8th, 1682-3.

Mr. Roger Jones.

This day I had report of Blagg's arrival. This Gentleman the bearer being bound directly down to your parts and Blaggs' house being not far out of his way, he assured me he would purposely call and give you a true and certain relation thereof. This Gentleman is come to my Lord to move for the Sheriffs place of our County, I desire you in his behalf to give him what assistance you can in it; a small converse with him I am sure will endear him to you for you will find him as well supplied with gratitude to acknowledge and when it lies in his power, to kindness as facetious and Jucose in boon jovial Company.

S^r Assure yourself the readiest ways and easiest shall be sought to do you Service that thereby you may be assured I am

Your Wff.

To Mr. Roger Jones at Green Springs
p. Doct^r Wm. Bankes.

March 10th, 1682-3.

Mr. John Cooper,

S^r: This comes by Capt Smith where you'll find 19 hh^{ds} of Tob^o consigned to your self as p. bills of Loading will appear. I can assure you it is as good a parcel of Tob^o as ever I saw of the Sort, most of it of my own crop, which I myself took care to see well handled and Sorted; the remainder which is 7 hh^{ds} I saw them well pack'd and therefore am Sure it is good; if this doth not suite the market and get a price, its in vain for me to think of shipping any more Tob^o. Just as I am writin I have news of Capt Norrington's arrival, by whom I expect to hear farther from you; all that I have yet this year received was one

John Armistead, of Gloucester county (*Parish Register*), and had several sons and daughters.

His will, dated Feb. 22, 1700, and proved April 7, 1701, is on record in Middlesex See "*Recollections of Admiral Ralph Randolph Wormeley*," (which contains some errors of detail); and Hayden's *Virginia Genealogies*, 230, &c.

letter p Capt Harris. Business and the small encouragement Tob° gave was the occasion I writ no oftener and larger to you last year, but this year being sure the first is something abated and in hopes the latter is amended, I shall be more ample and frequent in my letters and advices. The first thing that I have of necessity to advise you, is that I have charged bills upon you payable to Mr Jn° Bowden for the use of Cap^t Elisha Mellowes of Barbadoes for £35, 02, 10 at eighty days sight which I hope you have effects of mine to comply with before the time of payment. I took so large a time that I might have a full opportunity of advising you thereof and of remitting the effects. S^r I have a proposal of Trade if Yourself or any of your friends approve of it, the manner this, To send a small vessel of about 200 or 250 hh^{ds} burden at most which I will undertake to give her notes for Loading, within a month at farthest after her arrival and that within twenty miles compass, which is but a small Distance here, upon this condition, to have well bought goods and bought with ready money delivered at my Landing at 10 Sh. p cent without any advance or if you think that not convenient, because of the uncertainty of the Market, then give me an allowance of 21^{lb} Tob° in the hundred weight of Tob° more than the general Market goes at in our parts, upon the arrival of the said vessel for my Commission, Expedition, Storage and Insurance of the whole and all other incident charges that Traders here necesssarily lie at, Provided the Ship comes not before some time in Dec^r and I have notice thereof by the forward Ships in Sept^r, Oct^r, or Nov^r though I desire none of the goods till her arrival. By this trade here will be a great charge Saved in the long stay ships generally make here, being often times forced to run from one end of the Country to the other almost, which eats out the profit of a good market, besides Sloop hire, the allowance to your factor, and merchants, the uncertainty of purchasing Tob° and if purchased many times lying out and behind, and some bad debts never to be recovered; on the other side, as soon as your Ship Arrive She may be taking in Tob°, her whole Loading certain, the Distance the Tob° lies at, small, so that two or three flatts will presently load her and by that means save Sloop hire. About one third or near one half of the loading will be in one place together which she may well take in four days. As soon as I see Cap^t Norrington (which I now every day expect) I shall

discourse him farther therein and if he thinks the proposal will be approved, I shall then be more large by the next conveniency and withal manifest to him Something of my method to proceed therein and shall desire him to give you an account whether I am fully fitted and capable for such an undertaking. I am

Sr Your Wff.

To Mr. John Cooper.

Just as I was concluding my lett^r I rec^d my lett^r from on board Cap^t Norrington one bearing date 25 and 28th Oct^r and the other 19th Dec^r wherein I have so low account of my Tob^o that it is not worth Shipping. I also find by them you have sent me none of my goods and indeed had no effects of mine to procure them. Now I postively desire you to desist from sending me any, but once again desire you comply with the bills of £35, 02, 10. I have also shipped some Tob^o out of York from myself and M^r Brent from whom I suppose you will hear by the next Ship * * Capt Harris in the Gerard, also from self too. We neither of us yet knew what to write in that affair, because we have not as yet any account what quantity of Tob^o is Shipped nor on what ship, nor what freight which we now every day expect and then shall take the first conveniency to give you an acc^t thereof. The hopes of a better market this year makes me large now, and will encourage to write by all opportunities. I desire you to take care of the inclosed to Madam Bland; I have sent it open that you may see her mistake and withall have writ to her to pay you the whole or part of the money as p perusal of her letter you'll see; what you can get, receive upon my acco^t; once again I desire your Careful Disposal of my Tob^o

Your Wff.

To Mr. Jno. Cooper in London Mech^t p
Capt Thomas Smith.

March 19th 1682-3

Madam Sarah Bland.*

By what miscarriage I know not, you have not receiv'd

* Mrs Sarah Bland was the wife of John Bland, the London Merchant, whose memorial on the effects of the Navigation Act appears else-

that letter I last year sent you, wherein I gave you an account of your business, with reference to M^r Blaytons more particular relations; the sum of it was that I used my utmost endeavour in the management of all your business at the General Court, but after long Argument they concluded to enter Judgment as formerly, which you know was against you, from which Judgment I offered to Appeal and it was allowed me, but then Security must be had which I could not obtain, for M^r Blayton utterly refused and then I knew not who to apply to, to get Security for want of which I could not have an appeal in my business. I know not how you left your business with M^r Blayton, but this I was thoroughly sensible that no Appeal here will be granted without Security, and how you became so remiss in your own business as not to take care therein, know not, or whether you have been disappointed by Blayton. When I found I could get no Security whereby to obtain the Appeal, I was forc'd to suffer that; I could not avoid Judgment to pass against you in all but Coll^d Codd's business which for gaining time, I got to be conditional, under pretence of making an amicable composure, but got myself to be one concerned in the composing thereof, together with M^r Blayton and M^r Minge who I thought would be stiff to your Interest, that thereby, I might have spun out time till I could have heard farther from you and received the King's Order; that I certainly expected well knowing that I could break all to pieces and bring it again to the General court, which course I reckoned would gain a year's time whereby you might have your full op-

where in this number. She was the mother of Giles Bland, who was sent to Virginia by his father, John Bland, to manage the plantations which he owned in that colony, which had previously been in the charge of Theodorick Bland. Giles Bland became involved in a quarrel with Thomas Ludwell, and was heavily fined.

He participated in the Rebellion of 1676, on the side of Bacon, and was hung for the part which he took in that movement. Between 1680 and 1682, Mrs. Bland was engaged in a number of suits, first in Virginia and afterwards before the privy Council in England. (*British State Papers.*) The points in dispute were finally submitted by agreement of the parties to referees in Virginia. Thomas Clayton and Isaac Allerton were appointed as such by the Lords of Trade and Plantations, and if they died before March 25, 1686, Henry Hartwell and George Brent were to take their place.

portunity to make your best advantage thereof in England. But M^r Blayton unknown to me or without the least Intimation or signification thereof did afterwards make up and compose the business with Codd and in your behalf, and as your Attorney gave him full absolute and generall discharge from the whole business, at which I was both troubled and ashamed and questioned him about it, he answered me he thought it was to your advantage and he had power sufficient from you to Justify what he did and farther told me I was no farther concerned in your business, but just to appear in Court for you, and for what he had done he would fully answer it to you and give you a particular relation thereof together with the Copys of all the proceedings therein, and truly did shew me a long letter, which he designed to send to you endeavouring therein to justifie and vindicate his proceedings which did not seem reasonable to me; how it will do to you, I know not. Thus Madam I have given a general account of your business; the particular relation (and indeed very pernicious to yourself) I refer M^r Blayton. I am sorry your business hath no better Success; it was not for want of will or endeavour in me, and that I might be well strengthened I got M^r Brent to stand by it upon my own account which, I hope I shall not suffer in and I am to assure you deserves your thanks. Had not your Plenipotentiary M^r Blayton foolishly compl'd and ended Codd's business and had either by himself or his Procurement got Security to prosecute the Appeal, you might have had them in England by this time.

I have neither seen the King's Order nor heard a thing of it from M^r Blayton though I was at Town at my Lords Arrival and eight days after, but the copy of it that came in with your order dated 24 August 1682, and doubt that rash and foolish composition of M^r Blayton has utterly destroyed the good effect of that mandate, for he as your Attorney fully releas'd him and enter'd the said Release upon the General Court Records, as I told you before unknown to me. I may present your bill drawn upon M^r Blayton, but I believe he'll not answer it, because when I urged him to be Security in the Appeals, alledging for reasons that he had sufficient Effects of your's in his hands, his answer was that he had nothing, and therefore could not with safety be your security &c. I therefore desire you if you cannot pay the whole

presently down with conveniency, Pay part to M^r Cooper and at your own leisure pay the Remainder, or if money be scarce with you, please to procure me a Suit of Tapestry hangings for a Room twenty foot long, sixteen foot wide and nine foot high and half a dozen chairs suitable and take your time to pay the Remainder. Madam, I thank your kind Recommends to M^r Blaithwait and please to assure him in anything I am capable to serve him; if he pleases to give me the least signification of any particulars that he desires satisfaction in, relating to this Country, I shall be ready and willing to serve him with my utmost abilities.

Madam your Wff.

To Mrs. Sarah Bland

At the office in Broad Street London
sub Cover Mr. John Cooper.

May 22nd 1683.

Mr. John Cooper,

S^r. I shall only in this take notice that I have formerly wrote you p. Capt. Smith and Capt. Harris at large and in them given you full Instructions to proceed in my business; nothing hath since occurred, only one bill I have drawn upon you payable I think to M^r Richard Gotey and Company which I desire you to give due acceptance. In my next shall be more large; at present I have not opportunity and conveniency, only take this opportunity to tell you, that this day I have ordered six hh^d Tob^o to you by Capt. Norrington at £5, 10 p. tonn, clear of Import and Country duties, also that Capt. Norrington had of me 6240 pipe staves towards his Barbadoes freight when designed thither; this day I receiv'd his lett^r that, he hath got a freight for England (which now I am sure of though I heard it long since p. report and cannot reasonably carry my pipe staves at halves thither, as it was agreed he should do to Barbadoes, and therefore desires me to take reasonable price for them; upon his request I am willing to take at the rate of 50 shillings p. thousand and a hamper of Canary, under which rate, I have never sold and therefore desire you p. this (if I should not have an opportunity) to take his bills of Exchange for the money and a

note for the Canary, to demand and receive the same of him which I am confident upon the first demand he will readily pay I desiring no more of him in this Streight, than if he had endeavoured to beat down the lowest of the market; also if I should not have opportunity to get bills Loading for my Tob^o, I desire you p. this my letter to take up the same and dispose to my best advantage. I only write this lest I may want opportunity to get bills Loading for my Tob^o which I hope I shall not. I forgot to give you an account of one single letter I sent you by one Capt. Davis of Lime, who promised to take care to deliver it into the Post Office, by which have desired you to send me 3 dozen Gallon Stone Juggs and two dozen two Gallon Stone Juggs, which I hope you will take care in, as in all the rest of my things I have sent for, to take care your self that they may be good of the sort. Sir I hope you will give me a particular answer by the very first ship to that Proposal of Trade that I sent you about in my former, if you or your friends approve of it and are minded to be in this year, give me but timely notice and suite out a cargo for the ship in coarse goods such as are useful for the country, especially remembering Iron ware, and it shall be fully comply'd with on my part. I know not at present what farther to add. 6240 Pipe staves at 50 shillings p. thousand is £15, 12, 00 and a hamper of Canary. 6 hh^{ds} marked WF N^o 1 to 6. I desire timely and frequent advice the fore part of this year. I have farther to advise you of bills of Exchange. I have drawn upon you for £8, 13, 00 payable to Mr. Josiah Bacon of London Merchant, which I desire you to accept and would rather have you let alone some of my things sent for than protest, but if this Should happen to be presented before Cap^t Norrington's arrival, in whose hands there will be money and in his Ship Tob^o, I desire you to get so much time if possible till his arrival, upon which I am confident you will both accept and pay. I am

Your Wff.

To Mr. Jn^o Cooper of London, Mercht.

April 13th, 1683.

Honoured Sir,

I presume you may have opportunity at Town this General court, to have the opinion of the Society of Surveyers concern-

ing the difference of Land betwixt you and Burbudge. Mr. Scarlet is gone purposely to Town to enquire therein, for which reason I thought fit to give you this notice, that he might not be beforehand with you in his Enquiry. S^r I have here inclosed sent you the Remainder of Nat. Garland's papers, the rest he has himself, that is, the Dedimus and Examination thereupon, which entreat the favour to deliver him or his Attorney there; they object against the legality thereof, which your Hon^r will be then ready to assert; then they object, they had no notice. I have Deposed that fourteen days at least before the Examinations taken, I gave him notice, for I think it was about three weeks before that I ordered Nat Garland to go to your Hon^r for a Dedimus and drew him out his interrogatories and immediately thereupon gave the Parson notice thereof; then a week afterwards when Nat Garland was preparing his business and sent me an account what Evidences he had prepared and what they could say and as near the time and place for their Examination as he could guess, I gave the Parson notice again, which was a fortnight before the Execution of the Dedimus; then again immediately upon the receipt of the Dedimus, I gave him farther notice which I think sufficient to take that scruple. I desire you will inform Nat or his Attorney of this. I am forced to give your Hon^r this trouble because I am not certain what Attorney to direct it to, nor certain of his being in Town and am very unwilling he should miscarry in so just a cause, by such an egregious Baffer

Sir Your Wff.

To the Honble. Collo. Richard Lee.

May 23d 1683.

Honrd Sir,

Just now receiv'd yours from your Quarter, and should have been glad if Mr. Brent's* occasions would have afforded him so

* George Brent, nephew of Giles Brent, prominent in the early history of Maryland, and son of George Brent, of Worcestershire, England (and his wife Marianne, daughter of Sir John Peyton, of Doddington), settled in Stafford county, Virginia, where he acquired large estates, called "Woodstock," and "Brenton." He was a Catholic; but, May 2d, 1683, he was appointed, by the Governor and Council,

much time, to have had the Station of your case ready for you now, to have sent. Mr. Brent did at his coming up acquaint me there with and left my Breviates with me to prepare the Chief heads of the Cause which I undertook and have them almost ready; and Mr. Brent promised to be forthwith down with me so soon as he had rested himself and settled his domestick affairs; since I have not heard from him, we every day expect him; so soon as he comes down or if he stays much longer, I'll send purposely up to him at which time we shall take carefully to conclude it and then I'll take care to give it an immediate conveyance to Jo. Mason's. I hope it may be but I cannot promise before Rider sails. Now S^r I have given you an assurance of my ready devotion to your service. I must be sensible and take notice of those dubious words in your letter (will not deny) as if you doubted my compliance to your commands, which assure yourself nothing but an unavoidable necessity shall ever make me neglect or disobey any the least of them. And I am confident you are both so good and just not to condemn any man unheard or which is worse upon uncertain report notwithstanding your short but sharp reproof in your letter, when I shall make it plainly appear to you that I had not only a willingness but an earnest propensity to have afforded you my mean Service at the General Court, but an unavoidable necessity prevented; which as soon as I shall have time fully to inform you, then you'll esteem me (as heretofore I please myself to think) you have done

Your Wff.

To the Hon^{ble} Ralph Wormley Esqr.

Receiver-General north of the Rappahannock (*Conway Robinson's Notes from General Court Records*), and July 10, 1690, was appointed Ranger-General of the Northern Neck (*Sainsbury Abstracts*). In 1693, George and Robert Brent (his brother) "being papists," were forbidden to practice law. He married (I) —, a daughter of Captain William Green, and niece of Sir William Layton (some fragments of her tomb remain at Acquia Church, with the words—as reported to us, "daughter * * of Sir William Layton, of Horsmandene, Worcestershire, her age 31 years"), and (II) in 1687, a daughter of Col. Henry Seawell, of Maryland (whose widow married Lord Baltimore); and had numerous issue. (See "Pedigree of Brent, of Cossington, Somersetshire," and of the Brents of Maryland and Virginia, in *De Bow's Review*, xxvi, 487-502).

June 25th July 10th.

May it please your Lordship.

I made an Overture to Mr. Brent your Lordship's Agent for our Parts, that I would if you pleas'd purchase out the fee Simple of the Rents, profits, commoditys &c. of this Parish wherein I live, which goes by the name of the lower Parish of Stafford and Contains in it about 28000 acres. I believe there's not * * * * acres more or less; it will not be long uncertain, for Mr. Brent is now making a strict enquiry into every ones tenure and quantity of Land, and by that time you can send in your resolve to what I shall now propose; he will have made a full and perfect Discovery and it being fully settled there can be no addition or Increment of Land added to it, the whole having been upwards of twenty four years ago taken up and Pattented. I will give your Lordship eight years Purchase for it according to the true Value it now stands at.

The Rent of 28000 acres at 12^{lb} Tob° p hundred, which is the Rent that is and always has been paid comes to 3360^{lb} Tob° p annum so that the purchase in Tob° comes to 26880 which I will pay in ready good choice Tob° or if your Lordship had rather deal for money I will pay it at the rate of six shillings p. Cent which is the highest Rate (to our sorrow be it spoken) Tob° in our parts bears, which amounts to £80, 12, 6 and will pay your Lordship an acknowledgement of an ear of Indian Corn &c. If your Lordship likes the Offer but should think the quantity too small, I am very willing to double the quantity at the same rate, that is to take a like quantity on the north side of Rappahannock, which will be exactly contiguous to our Parish. I presume your Lordship knows that the whole that I propose to purchase comes near any Land newly taken up or to be taken up.

Your Lps. Wff.

To the Right Honb^{ble} Thomas
Lord Culpeper Baron &c.

July 10th 1683.

Mr. Richard Page.

According to my promise I take this opportunity to assure you that what lies in my power shall not be wanting to serve

you especially in those concerns committed to my care and conduct; I question not but you will also be mindfull of your promise to me, in the chairs, carpets and good Ale. All affairs here stand just as you left them, only Doct^r Hall is not altogether so mad and Mr. Ashton constrain'd to be more sober for want of drink; neither have I heard any fighting news lately from Coll^o Mason, which gives me occasion to believe his stock is pretty well exhausted. This is to comply with my word, the next if I can meet with another opportunity this year to give you a more ample account, therefore now I will only assure you, you shall always find me

Yo^r Wff.

Pray give my service to Mr. Warren and his good wife.

To Mr. Rich^d Page Merch^t in Belfast Sub Cover Mr. Jn^o Cooper.

febyry 8th, 1683-4.

Maj^r Robt. Beverly.

This Messenger gives me the opportunity of sending you your papers again for except Jonas Rivetts I cannot get one pound of the Remainder; Mr. Brent saith he hath or will satisfie yourself. Westmoreland and Stafford discharge themselves by Coll^o Jones. Pinett is incapable of payment and God knows when he will be better able, so in vein for me to keep it in expectation. Coll^o Lee says for whats your due he will agree with your self and make compliance. I am in hopes to get Rivetts and therefore have not sent that bill; as soon as I get it, shall punctually comply with your Order. S^t I know you have a full intelligence e'er this concerning my Lord Howard our every day expected Governor. I desire a line or two from you therein. Give my humble service to your good Lady, Esq^r Wormley and other friends there. Please deliver my receipt to the bearer and this shall oblige me to be accountable for Jonas Rivetts thousand pounds of Tob^o when received or return the Bill. Upon Return of this Letter my Receipt was sent

Your Wff.

To Majr. Robt. Beverly
in Middlesex p. Thos. Maule.

(TO BE CONTINUED.)